

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELANGELO G. BORRELLO,

Petitioner,

v.

CHANDRA L. LONG,

Respondent.

No. C19-1341RSL

ORDER DENYING
RESPONDENT'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on “Respondent’s Motion for Summary Judgment.” Dkt. # 33. Petitioner seeks return of his child, A.B., to Italy under the Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T. I. A. S. No. 11670, S. Treaty Doc. No. 99–11 (“Hague Convention” or “Convention”), arguing that A.B. was wrongfully removed from her country of habitual residence in May 2019. Respondent argues that petitioner has not shown either that Italy was A.B.’s country of habitual residence at the time of removal or that the removal was wrongful.

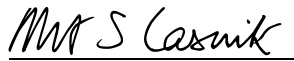
Because the Court is not bound by prior judicial decisions regarding A.B.’s country of habitual residence, it must engage in a fact-intensive analysis to determine that issue. *Monasky v. Taglieri*, __ U.S. __, 140 S. Ct. 719, 726-27 (2020). As it currently stands, the factual record supports a finding that A.B.’s residence in Italy between 2016 and 2019 was transitory and unsettled. However, the Court is loathe to rush to judgment on the issue without giving petitioner

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1 an opportunity to testify at trial regarding “the family and social environment in which [the
2 child’s] life has developed” and her “degree of integration . . . in a social and family
3 environment” in Italy during the relevant period. *Id.* at 726. The Court also declines to determine
4 at this juncture whether A.B.’s removal in May 2019 was wrongful. Because A.B. is already
5 residing with her mother in the United States and there is no indication that the child is in any
6 sort of danger or distress, the motion for summary judgment is hereby DENIED in favor of
7 hearing from the parties at trial.
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9 A two day bench trial will be scheduled in August or September 2020 and will be
10 conducted via an audio/video conferencing platform unless civil trials have reconvened in the
11 Seattle Courthouse by the chosen date.
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13 Dated this 12th day of May, 2020.
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16 Robert S. Lasnik
17 United States District Judge
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